Fisheries and Oceans Canada | Pêches et Océans Canada

ENGAGEMENT ON THE SCIENCE-BASED WHALE REVIEW

A summary of what was heard

EXECUTIVE SUMMARY

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Canada

Engagement on the Science-based Whale Review
A Summary of What was Heard

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1. Executive Summary

In November 2016, the Government of Canada announced its Oceans Protection Plan, which outlined several new initiatives aimed at addressing threats to populations of marine mammals in Canadian waters. To support this effort, Fisheries and Oceans Canada led a science-based review of the effectiveness of the current management and recovery actions for three at-risk whale populations: the Southern Resident Killer Whale, the North Atlantic Right Whale and the St. Lawrence Estuary Beluga. The Science-Based Whale Review was rolled out in three phases (see Figure 1).

Figure 1. Phases of the Science-Based Whale Review

While Fisheries and Oceans Canada has worked with Indigenous groups, stakeholders and industry for many years to identify recovery actions for these endangered whale populations, this engagement process focused on the timely and efficient implementation of priority management actions. The three key objectives of the engagement were to:

1. Educate parties about the ongoing threats to the three endangered whale populations and the priority management actions identified by scientists to support their recovery.

2. Identify specific actions and clarify roles of those able to reduce negative impacts of human activities on these whales.

3. Confirm the role of different sectors and collaborative approaches to support and implement effective management actions.

This What Was Heard Report on the Science-Based Whale Review includes results for all three endangered whale populations. The feedback the Government of Canada received during the engagement will inform further discussions and implementation planning for enhanced recovery efforts for these whale populations. It summarizes what was heard from:

- 112 groups/organizations and 182 individuals who participated at in person/webinar meetings across the country or made written submissions. These include governments, Indigenous groups and stakeholders (environmental non-governmental and non-profit organizations, industry/business, academia/think tanks, and other).

- 893 individuals from across the country who registered to participate in the online engagement Let's Talk Whales and/or who sent in over 2000 e-mails/letters. Of these individuals between 200 and 300 individuals took the time to complete online questionnaires on specific threats to these whale populations and 160 individuals contributed 193 ideas to an open Ideas Forum.

The report summarizes the common themes that emerged in meetings, written submissions, and the online Let's Talk Whales public engagement. It presents feedback on priority management actions to address five of the threats to one or more of these endangered whale species: prey availability, entanglements, acoustic disturbance and vessel presence, contaminants, and vessel strikes.

Highlights of What Was Heard

Participants felt that the number of whales in each of the three endangered whale populations is critically low. With some exceptions, people who participated in the online Let's Talk Whales public engagement were overwhelmingly positive about the types of actions that scientists identified to enhance whale recovery.

For all three whale populations, governments, Indigenous groups and stakeholders agreed that it is essential to take immediate action to improve recovery efforts and to reduce these five threats. It was suggested that the approach to prioritization and implementation should:

- Integrate *Species At Risk Act*, Oceans Protection Plan and the Science-Based Whale Review processes;
- Give stronger recognition to work done to date by all levels of governments and partners and leverage it to enhance whale recovery;

- Build from the *Species at Risk Act* recovery documents for the three endangered whale populations leveraging regional research, mitigation activities and collaborative partnerships already in place;
- Identify tangible, quantifiable and measureable actions to guide implementation, with clear time lines for each;
- Ensure clear leadership and accountability for moving actions forward;
- Improve coordination and collaboration across implicated federal government departments/agencies, jurisdictions (federal, provincial, municipal) and partners;
- Engage governments, Indigenous groups, stakeholder groups and Canadians in a way that optimizes expertise and mobilizes collective action, including traditional ecological knowledge and technical knowledge of other disciplines, e.g., ecology, marine engineering.

Indigenous participants felt strongly that the process to develop and implement priority management actions should:

- Ensure consultation with Indigenous peoples, both on-reserve and off-reserve, in a clearly defined manner, with commentary encouraged, information provided about the adoption of scientific recommendations by government fisheries management, and financial resources available to support full participation;
- Recognize that Indigenous peoples are actively fishing for food, social and ceremonial purposes, as well as conducting Aboriginal Communal Commercial Fisheries where the three endangered whales frequent;
- Ensure timely and transparent communications with Indigenous communities and fishers to enable partnering to address threats to the endangered whale populations;
- Include Indigenous groups in consultations about the establishment of Marine Protected Areas and exclusion zones that may impact economic viability of Indigenous fisheries.

There were differences in what people viewed as the most critical actions to help recover each of the endangered whale populations. Key differences of opinion centered on the strength of the scientific evidence supporting the proposed actions, which actions should be highest priority, the time lines for implementation and the extent to which existing legislation, regulations, monitoring and enforcement are adequate to support proposed actions.

Prey Availability

- Governments, Indigenous groups and some stakeholders acknowledged that reduced prey availability is an important threat to the Southern Resident Killer Whale and the St. Lawrence Estuary Beluga populations. Prey availability was not mentioned in feedback on the North Atlantic Right Whale.
- In the Pacific region, Indigenous groups, some stakeholders, and participants from the general public overwhelmingly expressed their desire to see protection of the entire habitat of the SRKW's primary prey, (Chinook salmon), including the freshwater as well as the marine portion, from industrial development and pollution without delay to help its survival. Some industry/business participants expressed their willingness to support this approach as a means to ensure responsibility for action is shared amongst those who contribute to the different pressures on salmon habitat.
- Indigenous groups said that priority management actions should look holistically at the issues that impact whale recovery, including the threat posed by industrial development on whale habitat.
    - In the Pacific region, they said that actions should build on local recovery efforts of Southern Gulf Island First Nations to foster healthy and abundant herring/sand lance populations, which are a food source for the SRKW's prey.
    - In engagement sessions in the Québec and Maritime regions, Indigenous groups requested more information on St. Lawrence Estuary Beluga prey stocks (type of prey; foraging areas) and the level of threat to these prey stocks from climate change; they requested that these prey stocks be taken into consideration when identifying and creating a network of Marine Protected Areas, and they suggested a systematic system be set up to collect and analyze prey samples to monitor their level of contamination.
- The majority of participants from the general public favoured fisheries closures for Chinook salmon or at least would support putting strict restrictions in place that are actively monitored and enforced.

Entanglements

- The majority of on-line participants expressed their concern about the threat of entanglements and its impact on the North Atlantic Right Whale. The fishing industry was open to discussion and willing to engage in solving the problem.
- There was some support for introducing fishing restrictions in North Atlantic Right Whale critical habitat to remove fishing gear that can cause entanglements (Grand Manan Basin; Roseway Basin).[1]
- All participants were open to some restrictions on fishing through dynamic closures in other highly used areas of North Atlantic Right Whales. However, participants requested more information and clarification on the concept of dynamic closures (during the fishing season versus on a seasonal basis) and how high use areas will be identified and managed. Fishery closures should target those fisheries known to pose the greatest risk of entanglement for North Atlantic Right Whales.
- Participants stressed that decisions to restrict or close fisheries should be reliant on the availability of accurate, and if possible, real-time data on whale presence; a clear, practical approach to communicating and implementing closures is needed that takes into account the impact on Indigenous communities and the broader fishing industry.
- Funding is needed to strengthen monitoring and research on North Atlantic Right Whale presence, to increase capacity for entanglement response in the Canadian Atlantic and Québec (more people trained to respond; funds for equipment and operations), and to develop awareness campaigns to educate fishers and other marine users about identifying these whales and reporting sightings.
- There was support from most participants for advancing research and testing of gear modifications that decrease the risk of entanglements; Indigenous groups are interested in participating in the testing process.
- Participants from the fishing industry acknowledged that gear marking and new gear reporting systems could be implemented, but the impacts on fishermen should be considered (keeping it simple, maintaining privacy, minimizing time and financial cost).

[1] The Science-based Whale Review and most stakeholder and online engagement happened *before* the North Atlantic Right Whale deaths in the Gulf of St. Lawrence in 2017.

Acoustic Disturbance and Vessel Presence

- There were some divergent views expressed around:
  1. Reducing human interaction with whales to reduce noise or using technological solutions to overcome noise emission problems, e.g., making ships quieter.
  2. Taking immediate action versus taking more time to generate and/or integrate evidence to implement priority management actions that will be effective at achieving objectives, e.g., demonstrated positive impact on whales by lowering noise levels.
- Generalized actions to reduce underwater noise were supported by most participants from the general public, Indigenous groups and some stakeholders, e.g., environmental non-governmental and non-profit organizations, some industry/business representatives. Participants from the general public would like to see reduced activity on the water, supported with enforcement, whether through exclusion zones, noise caps, acoustic refuges, and/or slow down zones.
- Indigenous groups called for more urgent action to protect critical Southern Resident Killer Whale habitat from the impacts of vessel noise and industrial development; for scientific measurement of noise levels to consider multiple vessels in critical habitat at a given point in time, not just single vessel noise levels; and, for the scope of any proposed area-specific vessel regulations to be clarified.
- Online participants who commented on actions aimed at directly abating threats supported changing vessel routes and creating sanctuaries to reduce human interaction with the three endangered whale populations. Some industry/business stakeholders are not convinced that refuges would work and argue that the concept needs to be made operational.
- Many participants from the general public perceive the whale watching industry as a contributor to disturbance of whales and are in favour of stronger industry regulations, monitoring and enforcement. The whale-watching industry believes they are a partner in conservation, as their livelihood depends on a healthy, sustained whale population; they are interested in partnering on education and awareness efforts as well as monitoring and reporting to increase knowledge about whale presence and behaviours.
- Online participants, Indigenous groups and environmental non-governmental organizations frequently mentioned solutions that include Marine Protected Areas or sanctuaries (where vessel traffic is restricted). In written submissions, specific regulatory approaches were put forward to strengthen whale habitat protection, e.g., by amending the Oceans Act (Bill C-55) to create Interim

Marine Protected Areas that can be more quickly introduced and to exclude oil and gas and other harmful activities in Marine Protected Areas.

Vessel Strikes

- Participants from all parties would like to see stronger systems in place for detecting whale presence and communicating this information to vessel operators to avoid vessel collisions and disturbance to whales.
- Indigenous groups and stakeholders requested more information about the type and size of vessels that would be affected by any new restrictions in North Atlantic Right Whale critical habitat or other high use areas, which shipping lanes might be affected, what alternate routes might be proposed, and how high use areas would be identified and managed.
- Indigenous groups and some participants agreed that priority should be placed on removing large vessels from North Atlantic Right Whale critical habitat and suggested applying speed restrictions on large vessels in areas where these whales are known to be present. Some participants felt it would be relatively easy to remove commercial shipping vessels from their critical habitat, e.g., by making minor changes to existing shipping lanes (Grand Manan Basin) and encouraging greater compliance with guidelines (Roseway Basin); participants agreed that any changes need to take into account the impacts on marine safety.
- Transport Canada clarified that the Department does not "remove" vessels but rather manages vessel movement.[2]
- Online participants almost universally supported the general measures proposed in the online questionnaire. They supported introducing stronger regulations, monitoring and enforcement as well as educating and sensitizing the public. When asked about which approach was more important, equal numbers of participants supported both approaches.
- Indigenous groups and some other participants do not believe that actions to reduce vessel strikes (or restricting vessel traffic; reducing vessel speed) will be feasible without regulatory action that is supported by enforcement. Most participants from the general public would like more monitoring and enforcement on the water (more eyes on the water).
- The shipping industry expressed a desire to see definitive evidence of the efficacy of proposed measures before engaging in a conversation, and is more open to voluntary measures.

[2] As per section 136 (1) of the *Canada Shipping Act*, the Governor in Council may, on the recommendation of the Minister of Transport, make regulations regulating or prohibiting the navigation, anchoring, mooring or berthing of vessels for the purposes of promoting the safe and efficient navigation of vessels and protecting the public interest and the environment.

Contaminants

- The Government of British Columbia and representatives from the United States National Oceanic and Atmospheric Administration were interested in coming together to form an interagency working group on contaminants.
- Indigenous groups believe that cumulative effects of resource development should be taken into account in identifying and implementing priority management actions to enhance recovery of the Southern Resident Killer Whale and the St. Lawrence Estuary Beluga.
- In engagement sessions in British Columbia, Indigenous groups suggested making a strong linkage to the integrated resource monitoring and assessment work already underway in the province. Other concerns focused on reducing industrial chemical pollution to improve shellfish and whale habitats; and, enhancing regulations to control polluters who contaminate First Nations' food.
- In engagement sessions in Québec and the Maritimes, Indigenous groups suggested clarifying the specific chemicals that are currently problematic for the St. Lawrence Estuary Beluga and the sources of this contamination; information should be provided about contaminated sites and the status of decontamination efforts; First Nations are interested in collaborating on the decontamination of sites and on raising awareness of pollution impacting St. Lawrence Estuary Beluga habitat.
- Indigenous groups raised concerns about oil spill response and would like to see increased capacity for Indigenous groups, whale watching and fishing vessels to participate in quick response. Public participants who commented online frequently expressed concerns about oil spills and plastic pollution in the ocean. Some expressed a desire to eliminate the risk by stopping or limiting the transportation of oil by vessels; others agree that whale protection should be considered in oil spill response plans.
- Some online participants who commented on actions aimed directly at abating threats agreed that the rate of implementation of Wastewater Systems Effluent Regulations should be accelerated. The Government of British Columbia and municipalities support this approach; under the assumption that resources will be made available to help off-set costs.
- Online participants also believe there is a need for stronger regulations and changes in aquaculture practices that some believe harm human health, whales and their prey, e.g. replacing open-net aquaculture with land-based enclosed farms, better monitoring/controlled use of pesticides, antibiotics, and fish foods at fish farms.
- Participants from all parties are concerned by chronic (continuous, lesser magnitude) spills, e.g., disposal at sea, bilge water, land runoff, oil leaks.